

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation and)	NOTICE OF APPEAL
)	
Pearsalls Ltd.)	
a Private Limited Company)	
of the United Kingdom)	
Defendants.		

**Plaintiff DePuy Mitek, Inc.'s Notice of Appeal to the
United States Court of Appeals for the Federal Circuit**

Notice is given that Plaintiff DePuy Mitek appeals to the United States Court of Appeals for the Federal Circuit from the order, dated December 14, 2007 and entered on December 17, 2007, denying Plaintiff DePuy Mitek's Motion for Judgment as a Matter of Law and Motion for a New Trial. DePuy Mitek further appeals from any and all other verdicts, orders, and rulings made appealable by the order denying Plaintiff DePuy Mitek's Motion for Judgment as a Matter of Law and Motion for a New Trial set forth above including, but not limited to, the Court's Claim Construction Order dated January 31, 2007 and entered on February 5, 2007 and the Jury's Verdict dated August 15, 2007 and entered on August 16, 2007.

Dated: January 10, 2008

DEPUY MITEK, INC.,
By its attorneys,

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CERTIFICATE OF SERVICE

I certify that I am counsel for DePuy Mitek, Inc. and that a true and correct copy of:

**Plaintiff DePuy Mitek, Inc.'s Notice of Appeal to the United States Court of Appeals
for the Federal Circuit**

was served on counsel for Defendants Arthrex, Inc. and Pearsalls Ltd. on this date via the Court's e-mail notification with the following recipients being listed as filing users for Defendants:

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Dated: January 10, 2008

/s/ Erich M. Falke

Erich M. Falke